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The Growing Demand for a Broad General Education

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SECTION OF LEGAL EDUCATION.

THE GROWING DEMAND FOR A BROAD GENERAL EDUCATION.

BY

CHARLES M. HEPBURN,

SECRETARY OF SECTION.

The second of the three meetings of the Section of Legal Education at Sale Lake City developed into a symposium on the pre-legal education problem. There had been no special planning for it, and no consultation between the speakers, but, as it happened, Charles E. Shepard, of Seattle; Lawrence Maxwell, of Cincinnati; John H. Wigmore, of Chicago, and Andrew A. Bruce, of the North Dakota Supreme Bench, all struck the same note. A broad pre-legal education was insisted upon by each of the four, but not so much for the sake of the law student in his class room as for the sake of the law graduate in active practice, and for the sake of the profession as a whole. It has been assumed pretty generally that a college education, or two years at least of a college education, is essential to the proper equipment of students for the best work in our law schools. The value of this in increasing the efficiency of the law students in general was not questioned, but a broader principle was insisted upon. Mr. Maxwell put it thus:

"The true relation between general education and preparation for the Bar has not always been perceived, and we may have over-estimated, at times, the value of a college education as a special requirement for the study of law. But we are on sure ground in urging the supreme importance of a broad general education as an essential part of the lawyer's equipment. His field is wider than that of any other professional man, and is becoming wider every day. He is being called upon, as never before, to discuss novel questions of tremendous consequence on litigation involving great social, industrial, economic and scientific problems, and it has become a glittering generality to say that a lawyer must have a general education because he is a member of a learned profession. He must have it in order to get and handle big cases growing out of legislation, state and federal, which undertakes to regulate every phase of industrial and commercial activity. Only broad-gauged men, whose hearts and minds have been developed

by the serious reflections of a liberal education, are qualified to assist as advocates or judges in developing the great body of law which is becoming a part of our national life.

"Important as a well-rounded education is to the professional success of the individual lawyer in these new fields, its importance to the state and the administration of justice is even greater, and rests upon broader grounds; to wit, its influence upon the character and tone of the profession. A man who has had a liberal education is likely to look upon his profession and the world in a broad and liberal way; to see facts as they are without distortion or prejudice, and to reason from them in accordance with the dictates of sound judgment."

Professor Wigmore, answering the direct question whether two years or more of college-grade education should be required of those seeking admission to the Bar, declared emphatically that it should, on these grounds:

"The reason is not merely that modern law school education calls for mature and well-trained students. More emphatic and obvious than this, the professional work at the Bar and on the Bench requires well-educated men.

"(a) The problems of litigation and of legislation demand the best trained minds. The coming-generation will see more difficult problems of reconstruction and restatement than have arisen in America for a century past. The best trained American minds must handle them. And no one doubts that, on the whole, and in the average, a university training best develops all the latent powers that are to be used in the world's work.

"(b) Otherwise, the legal profession will be left far behind by the men of other callings. It is behind today. Thousands and thousands of young men are today taking a college education to fit them for business life, for farming, for journalism, for engineering, for applied industrial sciences. The law as a profession has lost its prestige of leadership in public thought. It will never regain it so long as it declines to insist that its followers shall have the best attainable education. . . . The Bar is overcrowded with incompetent, shiftless, ill-fitted lawyers, who degrade the methods of the law and cheapen the quality of services by unlimited competition. The number of lawyers should be reduced by one-half. As a method of elimination for the future, a stricter requirement for preparation is a sensible method. And a requirement of two years of college is a rational and beneficent measure for reducing hereafter the spawning mass of promiscuous semi-intelligence which now enters the Bar. The legal profession all over the world is a selected, limited group; and such is the Anglo-American tradition of the past. We must restore this tradition, if the profession of the law is to regain its leadership in American thought."

Judge Bruce, who opened the discussion of the two papers by Mr. Maxwell and Mr. Wigmore, spoke thus:

"I venture to say that in no country in the world does the lawyer and the judge—for the judge of today is but the lawyer of yesterday and the lawyer of tomorrow—occupy a more important position than in America. Ours is a great cosmopolitan nation which not merely stretches from ocean to ocean, but embraces within its boundaries people of every nationality and every creed, with no common history and no common traditions, often without any common language, divided by social and geographical differences, but bound together by a common hope, a common humanity, and a common democratic law. In no country in the world can the lawyer have a greater opportunity or a greater influence—in no country in the world are high qualifications for the profession more necessary. De Tocqueville said that the lawyer belongs to the natural and only aristocracy that can exist in a republic, and this because, to use the language of ex-President Roosevelt, he alone 'knows the rules of the game.' He stands upon the mountain peak and he has the leadership in his hands if he will only assert it and will only be worthy of it.

"We are, however, in danger of losing that leadership, and not because the order of things does not give it to us, but because we are ourselves throwing away our birthright. We need to take count of stock, to find out where we are, and to consider the reasons which are leading the public to lose their respect for us, as they undoubtedly are.

"We can only raise the standards of our profession by giving to its members a broad sense of social responsibility and by making them realize and enthuse over the great responsibility and opportunity which is theirs. We must make them really democratic and really loyal to the democratic trust. I do not know of any better training than that which is afforded in our colleges and universities. I am not in favor of putting barriers in the way of those who desire to study the law. In a country where every one is presumed to know the law an opportunity to acquire that knowledge should be almost universal, but when we come to the right to practise it the matter is entirely different. The standards of admission to the Bar cannot be too high and we need something more than legal knowledge. We need to inculcate honor and we need to teach responsibility. We need lawyers and judges in this great evolving age, when we are questioning even the foundations of government, who have read something more than the law books; we need men who are trained in history and economics and sociology, and who know something not merely of the sciences and of the present day statutes, but of the great history of the race and of the struggles through which it has passed."

The same thought appeared, but in another aspect, in Mr. Shepard's address as Chairman of the Section. Said he:

"The most insistent cry in the whole world today is for justice—justice individual, social, political, international. Civil and political and international order begets justice; perfect order under perfect law is itself justice. Very much—though by no means all—that is wrong in our country today is within reach of cure or improvement by changes in the law—a simpler procedure, a surer and swifter criminal law, a civil law better adapted to modern life, to the social rights and needs of the multitude, to the organization of commerce and industry as they are now, instead of as they were in a past age, under other methods. An obsolescent law, an aloof and indifferent Bar—the one can amend the other—and itself, better than others, can, and should, take the lead. We are in process of bettering these things, but the process will not reach an end within our time. The lawyers of the next generation—or more—must carry it on; and they should be fit for the task. To that end their education should have some conscious relation, some intended adaptation. To be more precise, they should be educated not merely in the technique and the learning of the profession, with horizons bound by the walls of the counsel chamber and the court room, but as broad-minded and high-minded citizens."